

R307-801

2. Title: Asbestos.

3. Type of notice: Amend

4. Purpose of the rule or reason for the change:

The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in R307-801. The rule will now default to R307-101-3 that establishes the version of the CFR that is incorporated throughout R307. In a separate rulemaking, the version of the CFR referenced in R307-101-3 is being updated to the July 1, 2007 version. This amendment is part of an overall revision to the rules that will streamline the process of updating the incorporation by reference of the Code of Federal Regulations throughout R307 (see separate filings on R307-101, R307-115, R307-170, R307-215, R307-221, R307-222, R307-223, R307-224, R307-310, R307-417, R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/14/2007, the hearing will be cancelled. After 12/14/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm> or call 801-536-4136 to determine if the public hearing has been cancelled. A request for a public hearing may be submitted by electronic mail to mcaryl@utah.gov or by calling 801-536-4136.

6. Summary of the rule change:

This amendment removes the specific version date for the Code of Federal Regulations (CFR) in R307-801. The rule will now default to R307-101-3 that establishes the version of the CFR that is incorporated throughout R307. In a separate rulemaking, the version of the CFR referenced in R307-101-3 is being updated to the July 1, 2007 version. The following changes to 40 CFR Part 763, Subpart E will be included as the result of the change in R307-101-3. NOVEMBER 15, 2000 (65 FR 69216): This action amends both the Asbestos Worker Protection Rule (WPR) and the Asbestos-in-Schools Rule. The WPR amendment protects State and local government employees from the health risks of exposure to asbestos to the same extent as private sector workers by adopting for these employees the Asbestos Standards of the Occupational Safety and Health Administration (OSHA). The WPR's coverage is extended to State and local government employees who are performing construction work, custodial work, and automotive brake and clutch repair work. This action cross-references the OSHA Asbestos Standards for Construction and for General Industry, so that future amendments to these OSHA standards are directly and equally effective for employees covered by the WPR. This action also amends the Asbestos-in-Schools Rule to provide coverage under the WPR for employees of public local education agencies who perform operations, maintenance and repair activities. EPA issued this final rule under section 6 of the Toxic Substances Control Act (TSCA). OCTOBER 13, 2005 (70 FR 59889): This action established the framework by which the EPA will accept electronic reports from regulated entities in satisfaction of certain document submission requirements in EPA's regulations. EPA will provide public notice when the Agency is ready to receive direct submissions of certain documents from regulated entities in electronic form consistent with this rulemaking via an EPA electronic document receiving system. This rule does not mandate that regulated entities utilize electronic methods to submit documents in lieu of paper-based submissions. In addition, EPA did not take final action on electronic recordkeeping requirements. States, tribes, and local governments will be able to seek EPA approval to accept electronic documents to satisfy reporting requirements under environmental programs that EPA has delegated, authorized, or approved them to administer. This rule includes performance standards against which a state's, tribe's, or local government's electronic document receiving

system will be evaluated before EPA will approve changes to the delegated, authorized or approved program to provide electronic reporting, and establishes a streamlined process that states, tribes, and local governments can use to seek and obtain such approvals.

7. Aggregate anticipated cost or savings to:

- a. State budget:** No costs or savings are expected because the cost of DAQ's review are covered by fees paid by applicants.
- b. Local government:** No adverse economic impact is expected to occur as a result this rule, because these provisions are already federally enforceable.
- c. To Small Businesses and Other Persons:** Small Businesses: No adverse economic impact is expected to occur as a result this rule, because these provisions are already federally enforceable. Other Persons: No adverse economic impact is expected to occur as a result this rule, because these provisions are already federally enforceable.

8. Compliance costs for affected persons:

No adverse economic impact is expected to occur as a result this rule, because these provisions are already federally enforceable.

9. Comments by the Dept head on the fiscal impact the rule may have on businesses:

No adverse economic impact is expected to occur as a result of this rule, because these provisions are already federally enforceable. (Richard W. Sprott, Executive Director, Department of Environmental Quality)

10. Authorizing statute: 19-2-104

11. Materials incorporated by reference? 40 CFR Part 763, Subpart E

12. Public comment and hearing info: Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City.

13. May become effective on: February 7, 2008

14. Keywords: air pollution, asbestos, asbestos hazard emergency response, schools